

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

NARCEDARIA RIVERA,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner,
Social Security Administration,

Defendant.

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Civil Action No. SA-09-CV-235-XR

ORDER ON MAGISTRATE JUDGE’S REPORT & RECOMMENDATION

On this date, the Court considered the United States Magistrate Judge’s Report and Recommendation in the above-numbered and styled case (Docket Entry No. 21). After careful consideration, the Court ACCEPTS the Magistrate Judge’s recommendation to affirm the Commissioner’s decision.

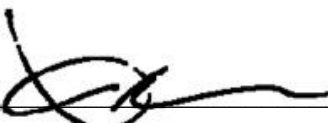
Any party who desires to object to a Magistrate Judge’s findings and recommendations must serve and file her written objections within fourteen days after being served with a copy of the findings and recommendations. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). The Magistrate Judge issued her Report and Recommendation on May 5, 2010. The Report and Recommendation was entered on the docket and Plaintiff’s counsel was served via the Court Management/Electronic Case Filing System on the same day. More than fourteen days have passed since the Clerk served the parties. Because no party has objected to the Magistrate Judge’s Report and Recommendation, the Court need not conduct a de novo review. *See* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”).

In this case, Plaintiff Narcedaria Rivera seeks review of the Commissioner's decision to deny her application for supplemental social security income benefits. The Administrative Law Judge determined that Rivera was not disabled within the meaning of the Act, finding that she can perform her past relevant work as a store clerk. The Magistrate Judge concluded that substantial evidence supported the ALJ's findings.

The Court has reviewed the Report and Recommendation and finds it to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989). Accordingly, the Court ACCEPTS the Magistrate Judge's recommendation to deny Rivera's request for relief and AFFIRMS the Commissioner's decision to deny benefits.

It is so ORDERED.

SIGNED this 25th day of May, 2010.



XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE